



COMDTINST 16004.3A
OCT 15 2003

COMMANDANT INSTRUCTION 16004.3A

Subj: COAST GUARD PARTICIPATION IN THE MARINE SANCTUARY PROGRAM

Ref: (a) Abstract of Operations Reports, COMDTINST M3123.7 (series)
(b) Maritime Law Enforcement Manual (MLEM), COMDTINST M16247.1 (series)
(c) COMDT COGARD Washington DC 261302Z SEP 02

1. PURPOSE. To provide policy guidance for Coast Guard participation in the National Marine Sanctuary Program.
2. ACTION. Area and district commanders, commanders of maintenance and logistics commands, commanding officers of headquarters units, assistant commandants for directorates, Chief Counsel, and special staff offices at Headquarters shall ensure compliance with the provisions of this Instruction. Internet release is authorized.
3. DIRECTIVES AFFECTED. Coast Guard Participation in the National Marine Sanctuary Program, COMDTINST 16004.3, and National Marine Sanctuary Law Enforcement Program, COMDTINST 16214.2, are cancelled.
4. BACKGROUND.
 - a. In 1972, in response to a growing awareness of the intrinsic environmental and cultural value of our coastal waters, Congress passed the Marine Protection, Research, and Sanctuaries Act (16 U.S.C. 1431, et seq.). The Marine Protection, Research, and Sanctuaries Act (NMSA) authorizes the Secretary of Commerce to designate discrete areas of the marine environment as national marine sanctuaries to promote comprehensive management of their unique ecological, historical, recreational and aesthetic resources.

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- b. The National Marine Sanctuary Program (NMS) is administered by the Secretary of Commerce through the National Oceanic and Atmospheric Administration's (NOAA) National Ocean Service (NOS). The program provides a coordinated and comprehensive approach to identify, designate and manage areas of the maritime environment of special national significance.
- c. The goals of the NMS program are:
 - (1) To enhance resource protection through the implementation of a comprehensive, long-term management plan tailored to specific resources;
 - (2) To promote and coordinate research to expand the scientific knowledge of significant marine resources and improve interagency decision making;
 - (3) To enhance public awareness, understanding, and wise use of the marine environment through public interpretive and recreational programs; and
 - (4) To provide, to the extent compatible with the primary objective of resource protection, the optimum public and private use of special marine areas.
- d. NOS is responsible for carrying out these goals through cooperative partnerships between Federal, state and local agencies, educational and research institutions, and nongovernmental organizations. The Coast Guard contributes to this effort through waterways management responsibilities, marine environmental protection activities, and the enforcement of sanctuary regulations as a part of its law enforcement activities.
- e. Thirteen national marine sanctuaries are currently designated and a fourteenth is proposed. The contact information for each of these sanctuaries is listed in enclosure (1).

5. DISCUSSION.

- a. Enforcement Authority.
 - (1) Where marine sanctuaries lie in state waters, NOS primarily coordinates enforcement with state enforcement agencies. In waters beyond state jurisdiction, the Coast Guard is the primary maritime enforcement agency.
 - (2) The Coast Guard has authority to enforce the NMSA under 14 U.S.C. 2 and 14 U.S.C. 89. Section 1437(h) of the NMSA specifically states that nothing shall be considered to limit the Coast Guard's authority to enforce the NMSA or any other Federal law. The Coast Guard may enforce all applicable Federal laws within the boundaries of national marine sanctuaries.
 - (3) Violations of marine sanctuary regulations are prosecuted by the NOAA General Counsel.

- b. Enforcement Philosophy. NOS's sanctuary management philosophy is based primarily upon an educational approach. Their objective is to foster voluntary compliance by those who use the Nation's marine sanctuaries, and to promote a feeling of stewardship toward the various living and cultural resources these sanctuaries were created to protect. The Coast Guard supports this philosophy. Nevertheless, sanctuaries require routine presence of law enforcement resources to deter and detect violations.
- c. Sanctuary Management Plans. Each marine sanctuary is unique and is managed and regulated by NOS with regard to its location and the specific nature of, and threats to, its resources. Individual sanctuary management plans establish the framework to achieve long term resource protection by tailoring management programs to the needs of the particular site.

6. PROCEDURES.

- a. Effective coordination of waterways management issues, marine environmental protection issues, and the enforcement of sanctuary regulations are important components of the National Marine Sanctuary Program. To that end, the Coast Guard will work closely with NOS to ensure the comprehensive and coordinated conservation and management of these special areas of the marine environment. Particularly, the Coast Guard will work with NOS to ensure its enforcement efforts complement those of other Federal, state and local agencies.
- b. The Coast Guard will actively participate at all levels with NOS and other Federal, state and local agencies in evaluating proposals for new sanctuaries, developing management plans and regulations for designated sanctuaries, and coordinating Coast Guard operations within sanctuary boundaries. The Coast Guard's early involvement in the development stage of management plans is particularly important to effectively integrating Coast Guard programs within the sanctuaries.
- c. The Coast Guard will assist NOS in its efforts to educate the boating public with regard to marine sanctuary regulations by involving the Coast Guard Auxiliary. By incorporating information provided by NOS on the sanctuary program, the Auxiliary can significantly contribute to the goal of enhancing public awareness of sanctuary regulations and promoting public stewardship of these unique national resources.
- d. Area commanders shall:
 - (1) Designate an appropriate office to coordinate area and district participation in the National Marine Sanctuary Program.
 - (2) Ensure units under their command properly document marine sanctuary enforcement efforts per reference (a).

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e. District commanders shall:

- (1) Establish close liaison with the regional NOAA Fisheries Special Agent in Charge and local sanctuary managers to determine appropriate levels of enforcement activity and ensure timely analysis of enforcement needs. Procedures for coordinating enforcement activity shall be set out in a Memoranda of Agreement (MOA). Copies of such agreements shall be provided to Commandant (G-OPL) and the cognizant area commander.
- (2) Provide routine surveillance of the marine sanctuaries concurrently with other Coast Guard operations, and provide specific, targeted or dedicated law enforcement as appropriate. Sanctuary surveillance and enforcement should be incorporated into routine patrol orders where feasible.
- (3) Keep NOAA Fisheries and the local sanctuary managers informed of Coast Guard operations occurring within sanctuary boundaries.
- (4) Participate with NOS and other Federal, state and local agencies in the development of sanctuary management plans and regulations to provide advice on the enforceability and safety of regulatory proposals and impacts on Coast Guard operations within sanctuary boundaries.
- (5) Assist NOAA Fisheries and the local sanctuary managers in assessing the level and nature of user activity in the sanctuaries through coordinated surveillance patrols.
- (6) Review violations of sanctuary regulations as documented by Coast Guard units on Enforcement Action Reports and Offense Investigation Reports. Forward completed enforcement case documentation to NOAA Fisheries for processing and final adjudication by NOAA General Counsel per reference (b).
- (7) Coordinate cooperation of the Auxiliary with the local sanctuary managers in providing NOS educational material to the boating public during Auxiliary boating safety courses, courtesy safety examinations, and other activities as deemed appropriate.

f. The Assistant Commandant for Operations (G-O) shall, through the Office of Law Enforcement (G-OPL):

- (1) Participate at the national level as the central headquarters point of contact for the National Marine Sanctuary Program and law enforcement issues.
- (2) Coordinate with the Office of Response (G-MOR) for marine environmental protection and contingency planning issues.
- (3) Coordinate with the Office of Aids to Navigation (G-OPN) and the Office of Vessel Traffic Management (G-MWV) for navigation and waterways management issues.

7. ENVIRONMENTAL ASPECT and IMPACT CONSIDERATIONS. Environmental considerations were examined in the development of this directive. This Instruction falls under categorical exclusion number 33 (figure 2-1) of National Environmental Policy Act Implementing Procedures and Policy for Considering Environmental Impacts Manual COMDTINST M16475.1 (series) as it is a guidance document that implements applicable statutory, regulatory and other guidance documents without substantive change.
8. FORMS/REPORTS.
 - a. Marine sanctuary enforcement effort shall be documented as ELT-PLMR mission/employment category in aircraft, boat and cutter abstract of operation reports per references (a) and (c).
 - b. Violations of marine sanctuary regulations shall be documented on the Enforcement Action Report (CG-5201) and the Fisheries Boarding Investigation Report (FBIR four page form) or Offense Investigation Report (CG-5202) per reference (b), and reported in MISLE.

D. S. BELZ/s/
Assistant Commandant for Operations

Encl: (1) List of designated and proposed National Marine Sanctuaries

Encl. (1) to COMDTINST 16004.3A

LIST OF DESIGNATED AND PROPOSED NATIONAL MARINE SANCTUARIES

CHANNEL ISLAND NATIONAL MARINE SANCTUARY

Santa Barbara Office
113 Harbor Way, Suite 150
Santa Barbara, CA 93109
Phone: (805) 966-7107
Fax: (805) 568-1582

Southern Office
Channel Islands Harbor
3600 S. Harbor Blvd., Suite 217
Oxnard, CA. 93035
Phone: (805) 382-6149
Fax: (805) 382-9791
Sanctuary Manager: Chris Mobley
E-mail: Chris.Mobley@noaa.gov
Web: <http://channelislands.noaa.gov/>

CORDELL BANK NATIONAL MARINE SANCTUARY

1 Bear Valley Rd.
Point Reyes Station, CA 94956
Mailing address:
PO Box 159
Olema, CA 94950
Phone: (415) 663-0314
Fax: (415) 663-0315
Sanctuary Manager: Dan Howard
E-mail: cordellbank@noaa.gov
Web: <http://cordellbank.noaa.gov/>

FAGATELE BAY NATIONAL MARINE SANCTUARY

Fagatele Bay National Marine Sanctuary
P.O. Box 4318
Pago Pago, American Samoa 96799
Phone: (684) 633-7354
Fax: (684) 633-7355
Sanctuary Coordinator: Nancy Daschbach
E-mail: fagatelebay@noaa.gov
Web: <http://fagatelebay.noaa.gov/>

FLORIDA KEYS NATIONAL MARINE SANCTUARY

P.O. Box 500368
Marathon, FL 33050
Phone: (305) 743-2437
Fax: (305) 743-2357
Sanctuary Superintendent: Billy Causey
E-mail: billy.causey@noaa.gov
Web: <http://floridakeys.noaa.gov/>

FLOWER GARDEN BANKS NATIONAL MARINE SANCTUARY

1200 Briarcrest, Suite 4000
Bryan, TX 77802
Phone: (979) 846-5942
Fax: (979) 846-5959
Sanctuary Manager: George Schmahl
E-mail: george.schmahl@noaa.gov
Web: <http://flowergarden.noaa.gov/>

GRAY'S REEF NATIONAL MARINE SANCTUARY

10 Ocean Science Circle
Savannah, GA 31411
Phone: (912) 598-2345;
Fax: (912) 598-2367
Sanctuary Manager: Reed Bohne
E-mail: graysreef@noaa.gov
Web: <http://graysreef.noaa.gov/>

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GULF OF THE FARALLONES NATIONAL MARINE SANCTUARY

Fort Mason, Bldg. 201
San Francisco, CA 94123
Phone: (415) 561-6622
Fax: (415) 561-6616
Sanctuary Manager: Ed Ueber
E-mail: farallones@noaa.gov
Web: <http://farallones.nos.noaa.gov>

HAWAIIAN ISLANDS HUMPBACK WHALE NATIONAL MARINE SANCTUARY

Maui Headquarters Office
726 South Kihei Road
Kihei, Hawaii 96753
Phone: (800) 831-4888 or (808) 879-2818
Fax: (808) 874-3815
Sanctuary Manager: Naomi McIntosh
E-mail: hihumpbackwhale@noaa.gov
Web: <http://hawaiiumpbackwhale.noaa.gov/>

MONITOR NATIONAL MARINE SANCTUARY

The Mariners' Museum
100 Museum Drive
Newport News, VA 23606
Phone: (757) 599-3122
Sanctuary Manager: John Broadwater
E-mail: monitor@noaa.gov
Web: <http://monitor.noaa.gov/>

MONTEREY BAY NATIONAL MARINE SANCTUARY

MBNMS Main Office
299 Foam Street
Monterey, California 93940
Phone: (831) 647-4201
Fax: (831) 647-4250
Sanctuary Superintendent: William Douros
E-mail: william.douros@noaa.gov
Web: <http://montereybay.noaa.gov/>

(Proposed 14th sanctuary) NORTHWESTERN HAWAIIAN ISLANDS CORAL REEF ECOSYSTEM RESERVE

6700 Kalanianaʻole Hwy, #215
Honolulu, HI 96825
Phone: (808) 397-2668
Sanctuary Designation Coordinator: Sean Corson
E-mail: sean.corson@noaa.gov

OLYMPIC COAST NATIONAL MARINE SANCTUARY

115 East Railroad Ave
Suite 301
Port Angeles WA 98362
Phone: (360) 457-6622
Sanctuary Superintendent: Carol Bernthal
E-mail: olympiccoast@noaa.gov
Web: <http://olympiccoast.noaa.gov/>

STELLWAGEN BANK NATIONAL MARINE SANCTUARY

175 Edward Foster Road
Scituate, MA 02066
Phone: (781) 545-8026
Fax: (781) 545-8036
Sanctuary Superintendent: Craig MacDonald, Ph.D.
E-mail: craig.macdonald@noaa.gov
Web: <http://stellwagen.nos.noaa.gov/welcome.html>

Encl. (1) to COMDTINST 16004.3A

THUNDER BAY NATIONAL MARINE SANCTUARY AND UNDERWATER PRESERVE

145 Water Street

Alpena, Michigan 49707

Phone: (989) 356-8805

Fax: (989) 354-0144

Sanctuary Manager: Jeff Gray

E-mail: jeff.gray@noaa.gov

Web: <http://thunderbay.noaa.gov/>